

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:

Ichiro NAKANO et al.

Application No.: 09/248,111

Group Art Unit: 2613

Confirmation No.: 8405

Filed: February 11, 1999

Examiner: Shawn S. AN

For: MOVING IMAGE DATA CONTROLLING APPARATUS AND METHOD

**SECOND REQUEST FOR REFUND TO DEPOSIT ACCOUNT**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

This is in response to the previous refund request being denied. The denial letter indicated that the request for Information Disclosure Statement consideration that was made on January 11, 2006 authorized the charge of the fee for \$180, on page two of the request. Enclosed is a copy of the Information Disclosure Statement (IDS) as filed on January 11, 2006. Page two of the IDS only indicates that the \$1.97(e) Statement in item 5 is applicable.

Therefore, no such payment of filing Information Disclosure Statement was ever requested by the undersigned.

Accordingly, it is respectfully requested that this charge be credited to Deposit Account No. 19-3935 and that the Patent Office acknowledge this credit in writing to the undersigned.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 05/06/2010

By:   
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TFW



Attorney Docket No. 1046.1196

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Ichiro NAKANO et al.

Application No.: 09/248,111

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For: MOVING IMAGE DATA CONTROLLING APPARATUS AND METHOD

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure provisions of 37 CFR § 1.56, there is hereby provided certain information which the Examiner may consider material to the examination of the subject U.S. patent application. It is requested that the Examiner make this information of record if it is deemed material to the examination of the subject application.

1. Enclosures accompanying this Information Disclosure Statement are:

- 1a. ☒ Form PTO-1449.
- 1b. ☒ Copy(ies) of IDS citation(s), except for U.S. Patents and U.S. Patent Application publications.
- 1c. ☒ English language copy of a communication(s) from a foreign Patent Office or a PCT International Search Report.
- 1d. ☒ English language translation (complete, Abstract or relevant portion(s)) attached to non-English language publications as indicated on the attached Form PTO-1449.
- 1e. ☐ Explanations of Relevancy of References (ATTACHMENT 1(e), hereto) for providing a concise explanation of non-English publications.
- 1f. ☐ List of Copending Applications (ATTACHMENT 1(f), hereto).
- 1g. ☒ List of Additional Submitted Documents (ATTACHMENT 1(g), hereto).

2. ☐ This Information Disclosure Statement is filed under 37 CFR § 1.97(b):

(Check either Item 2a or 2b or 2c or 2d)

- 2a. ☐ Within three months of the filing date of a national application;
- 2b. ☐ Within three months of the date of entry of the national stage as set forth in § 1.491 in an international application.
- 2c. ☐ Before the mailing of a first Office Action on the merits; or
- 2d. ☐ Before the mailing of a first Office Action after the filing of a Request for Continued Examination under § 1.114.

3. ☒ This Information Disclosure Statement is filed under 37 CFR § 1.97(c) after the period specified in paragraph 2 above but before the mailing date of any of a Final Office Action under § 1.113, a Notice of Allowance under § 1.311 or an action that otherwise closes prosecution in the application, AND

*(Check either Item 3a or 3b; Item 3b to be checked if any reference known for more than 3 months)*

- 3a. ☒ The § 1.97(e) Statement in Item 5 below is applicable; OR  
3b. ☐ The \$180.00 fee set forth in 37 CFR § 1.17(p) is:  
☐ enclosed.  
☐ to be charged to Deposit Account No. 19-3935.

4. ☐ This Information Disclosure Statement is filed under 37 CFR § 1.97(d) after the period specified in paragraph 3 above, but on or before payment of the Issue Fee, AND

- 4a. ☐ The § 1.97(e) Statement in Item 5 below is applicable; AND  
4b. ☐ The \$180.00 fee set forth in 37 CFR § 1.17(p) is:  
☐ enclosed.  
☐ to be charged to Deposit Account No. 19-3935.

5. ☒ Statement under § 1.97(e) (applicable if Item 3a or Item 4a is checked)

*(Check either Item 5a or 5b)*

- 5a. ☒ In accordance with 37 CFR § 1.97(e)(1), it is stated that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.  
5b. ☐ In accordance with 37 CFR § 1.97(e)(2), it is stated that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known by any individual designated in § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

6. ☐ This is a continuation/divisional/continuation-in-part application under 37 CFR § 1.53(b).

*(Check appropriate Items 6a and/or 6b)*

- 6a. ☐ Copies of the publications listed on the attached Form PTO-1449 which were previously cited in prior application Serial No. \_\_\_, filed on \_\_\_, and which is relied on for an earlier effective filing date for the subject application under 35 U.S.C. § 120, have been omitted pursuant to 37 CFR § 1.98(d).  
6b. ☐ Copies of the publications listed on the attached Form PTO-1449 which were not previously cited in prior application Serial No. \_\_\_, filed on \_\_\_, and which is relied on for an earlier effective filing date for the subject application under 35 U.S.C. § 120, are provided herewith.

7. ☐ This is a Request for Continued Examination under 37 CFR § 1.114.  
(Check either Item 7a or 7b)
- 7a. ☐ The Issue Fee has not been paid.
- 7b. ☐ A Petition to Withdraw from issue under 37 CFR § 1.313(c) is filed concurrently herewith or has been granted. A Request for Continued Examination under 37 CFR § 1.114, after payment of the Issue Fee, is proper in accordance with 37 CFR § 1.114(a), respectively.
8. ☐ This is a Supplemental Information Disclosure Statement.  
(Check either Item 8a or 8b)
- 8a. ☐ This Supplemental Information Disclosure Statement under 37 CFR § 1.97(f) supplements the Information Disclosure Statement filed on \_\_\_\_\_. A bona fide attempt was made to comply with 37 CFR § 1.98, but inadvertent omissions were made. These omissions have been corrected herein. Accordingly, additional time is requested so that this Supplemental IDS can be considered as if properly filed on \_\_\_\_\_.
- 8b. ☐ This Supplemental Information Disclosure Statement is timely filed within one (1) month of the Notice under 37 CFR §§ 1.97 and 1.98, mailed \_\_\_\_\_.
9. ☒ In accordance with 37 CFR § 1.98, a concise explanation of what is presently understood to be the relevance of each non-English language publication is:  
(Check appropriate Items 9a, 9b, 9c and/or 9d)
- 9a. ☒ satisfied for the non-English language publication(s) cited on the enclosed "English language version of the search report or action which indicates the degree of relevance found by the foreign office". (See MPEP § 609, Minimum Requirements for an Information Disclosure Statement, Part A(3): Concise Explanation of Relevance, 8th Ed., Rev. 2)
- 9b. ☐ set forth in the application.
- 9c. ☐ satisfied for the non-English language publication(s) indicated on the attached Form PTO-1449 as having an English language translation (complete or relevant portion(s)) attached thereto.
- 9d. ☐ enclosed as Attachment 1(e), hereto.
10. No admission is made that the information cited in this Statement is, or is considered to be, material to patentability nor a representation that a search has been made (other than search report(s) from a counterpart foreign application or a PCT International Search Report, if submitted herewith). 37 CFR §§ 1.97(g) and (h).

11. The Commissioner is authorized to credit any overpayment or charge any additional fee required under 37 CFR § 1.17 for this Information Disclosure Statement to Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Dated: 1-10-06  
1201 New York Ave., N.W., 7th Floor  
Washington, D.C. 20005  
Telephone: (202) 434-1500  
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By: 

John C. Garvey  
Registration No. 28,607



FORM PTO-1449

U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE

ATTORNEY DOCKET NO.

1046.1196

Sheet 1 of 1

APPLICATION NO.

09/248,111

# INFORMATION DISCLOSURE STATEMENT

(Use several sheets if necessary)

FIRST NAMED INVENTOR

Ichiro NAKANO et al.

FILING DATE

February 11, 1999

GROUP/PART UNIT

2613

## U.S. PATENT DOCUMENTS

*EXAMINER INITIAL		DOCUMENT NO.	DATE	NAME	CLASS	SUB- CLASS	FILING DATE
	AA	5,532,843	07/02/96	Otsuki			
	AB	6,071,193	06/06/00	Suzuoki			
	AC	5,703,997	12/30/97	Kitamura et al.			
	AD	5,835,671	11/10/98	Kitamura et al.			
	AE						
	AF						

## FOREIGN PATENT DOCUMENTS

		DOCUMENT NO.	DATE	COUNTRY	TRANSLATION YES NO	ABSTRACT
	AG	06-295334	10/21/1994	JAPAN (corresponds to AA)		X
	AH	10-098719	04/14/1998	JAPAN (corresponds to AB)		X
	AI	10-051732	02/20/1998	JAPAN (corresponds to AC)		X
	AJ	08-102949	04/16/1996	JAPAN (corresponds to AD)		X
	AK					
	AL					

OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)

TRANSLATION  
YES NO

	AM			
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EXAMINER

DATE CONSIDERED



# ATTACHMENT 1(g)

<b>LIST OF ADDITIONAL SUBMITTED DOCUMENTS</b>	ATTORNEY DOCKET NO.	APPLICATION NO.
	1046.1196	09/248,111
	FIRST NAMED INVENTOR	
	Ichiro NAKANO et al.	
	FILING DATE	GROUP/PART UNIT
	February 11, 1999	2613

The following document(s) is/are listed in accordance with the duty of disclosure provisions of 37 CFR § 1.56, so that the Examiner may consider same should he deem any thereof to be material to examination of the subject application.

It is requested that the Examiner acknowledge his consideration of document(s) below-listed by initialing same in the space provided adjacent each such application and that the Examiner sign and date this form at the bottom thereof to confirm such consideration having been given.

This submission in no way represents an admission that any of the information listed herein constitutes prior art with respect to the subject application; and unless and until such prior art status is established, this submission is not a request that the information presented herein be printed on the face of any patent issuing from the subject application in which this information is being filed.

## U.S. PATENT DOCUMENTS

*EXAMINER INITIAL	DOCUMENT NO.	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA					
	AB					

## FOREIGN PATENT DOCUMENTS

	DOCUMENT NO.	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION YES NO	
	AC						
	AD						

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

			TRANSLATION YES NO	
	AE	Japanese Patent Office Action for Japanese Patent Application No. 10-185377 dated October 11, 2005	x	

EXAMINER	DATE CONSIDERED
<p>*EXAMINER: Initial if document considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.</p>	